

**IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR)
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

GENERAL PERMIT #7

**PESTICIDE GENERAL PERMIT (PGP) FOR POINT SOURCE DISCHARGES
TO WATERS OF THE UNITED STATES
FROM THE APPLICATION OF PESTICIDES**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 *et seq.*), any operator of a point source discharge of pollutants associated with the application of pesticides who is eligible for permit coverage under Part 1 is authorized to discharge in accordance with the requirements of this permit.

This permit becomes effective on March 30, 2011.

This permit and the authorization to discharge expire at midnight, March 29, 2016.

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1.0 Coverage under this Permit

1.1 Eligibility

1.1.1 Activities Covered

This permit is available to operators for the application of 1) biological pesticides and 2) chemical pesticides which leave a residue (hereinafter collectively “pesticides”) that result in a discharge to waters of the United States (U.S.). This permit covers the following pesticide use patterns:

Mosquito and Other Flying or Aquatic Nuisance Insect Control - management of all public health/nuisance pests which develop or are present during a portion of their life cycle in standing or flowing water, when applying pesticides in or over standing or flowing water. Public health/nuisance pests in this use category include but are not limited to mosquitoes and black flies.

Weed, Algae, Bacteria, Fungi or Fish Parasite Control - management of weeds, algae, bacteria, fungi and fish parasites in water and at water's edge including, but not limited to lakes, rivers, streams, irrigation canals, and drainage systems.

Aquatic Nuisance Animal Control - management of invasive or other nuisance species in water and at water's edge. Aquatic nuisance animals in this use category include but are not limited to fish, lampreys, and mollusks.

Forest Canopy Pest Control - aerial and ground application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where a portion of the pesticide unavoidably will be applied over and deposited to water to target the pests effectively.

1.1.2 Limitations on Coverage

You are required to apply for and/or obtain authorization to discharge under an individual NPDES permit in accordance with 567 IAC Chapter 64 if you have a discharge covered by Parts 1.1.2.1 to 1.1.2.5. Refer to Part 1.3 for a further description of alternative permits.

1.1.2.1 Discharges to Water Quality Impaired Waters

You are not eligible for coverage under this permit for any discharges from a pesticide application to waters of the U.S. if the water is identified as impaired by that pesticide or its degradates. Impaired waters are those which have been identified by IDNR pursuant to Section 303(d) of the CWA as not meeting applicable State water quality standards. Impaired waters include both waters with established Total Maximum Daily Loads (TMDLs) and those for which a TMDL has not yet been established.

1.1.2.2 Discharges to Waters Designated as OIW or ONWR

You are not eligible for coverage under this permit for discharges to waters designated by IDNR as Outstanding Iowa Waters (OIW) or Outstanding Natural Resource Waters (ONWR) for antidegradation purposes under 567 IAC Chapter 61.2(2). The list of OIW and ONWR waters is available in Appendices B and C of the Iowa Antidegradation Implementation Procedure, February 17, 2010.

1.1.2.3 Discharges Near Shallow Wells

You are not eligible for coverage under this permit for discharges of pesticides within 50 feet of a shallow well, as defined in Appendix B, unless the operator is the impacted

water purveyor and the pesticide application is intended to correct or control water quality problems within the water supply or system.

1.1.2.4 Endangered and Threatened Species and Critical Habitat Protection

You are not eligible for coverage under this permit for discharges to waters that are considered critical habitat for the Topeka Shiner.

1.1.2.5 Discharges Currently or Previously Covered by another Permit

You are not eligible for coverage under this permit for the following types of discharges:

- Discharges currently covered under another NPDES permit (individual or general)
- Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations
- Discharges covered by an NPDES permit has been or is in the process of being denied, terminated, or revoked by IDNR (this does not apply to the routine reissuance of permits every five years).

1.1.2.6 Discharges to Waters Designated as Class C

If you anticipate a discharge one half mile above or below a stream segment designated as Class C or any lake designated as Class C under 567 Chapter 61 (drinking water intakes), you must obtain prior approval from IDNR. In order to obtain approval, you are required submit the General Permit #7 Class C Waters Form to the department at least ninety (90) days before discharging, in addition to complying with all applicable requirements of this permit. Approval to discharge will not be granted for an anticipated pesticide residue discharge to a Class C water if any of the following three conditions apply, unless the operator is the impacted water purveyor and the pesticide application is intended to correct or control water quality problems within the water supply or system.

- 1) If the active or inactive ingredients in the pesticide proposed for application are regulated under the Safe Drinking Water Act (SDWA);
- 2) If a public or private water supply intake is within 2000 feet of the requested area of the pesticide application in a lake, reservoir, or wetland; or
- 3) If a public or private water supply intake is within 100 feet upstream or 2000 feet downstream of the requested area of the pesticide application in a river or stream.

Refer to the General Permit #7 Class C Waters Form at <http://www.iowadnr.gov> for more information.

1.2 Authorization to Discharge under this Permit

1.2.1 How to Obtain Authorization

To obtain authorization under this permit an operator must:

- meet the eligibility requirements as identified in Part 1.1., and
- If you are an operator identified in Part 1.2.2., submit a complete and accurate Notice of Intent (NOI) for coverage. Operators meeting the eligibility provisions outlined in Part 1.1 and whose discharges are not subject to the requirement to submit an NOI, as identified in Part 1.2.2, are automatically authorized to discharge after [insert permit effective date], in compliance with the requirements of this permit without submission of an NOI.

For the purposes of this permit, an operator is defined as any entity involved in the application of a pesticide that results in a discharge to a Water of the U.S. that meets either of the following two criteria:

- (i) The entity has operational control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; and/or
- (ii) The entity has day-to-day operational control of activities which are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit).

An NOI provides notice of an operators' intent for discharges from its pesticide application activities to be covered under this permit. Coverage for the operator who filed the NOI, its employees, contractors, subcontractors, and other agents, for all activities identified on the NOI for the duration of this permit unless coverage is otherwise discontinued pursuant to Parts 1.2.5 or 1.3. If a submitted NOI is not timely, accurate, or complete, then any employee, contractor, subcontractor, or other entity that discharges without the required NOI is not covered by this permit.

1.2.2 Operators Required to Submit a Notice of Intent (NOI)

The following operators are required to submit a Notice of Intent to obtain coverage under this general permit for discharges resulting from the application of pesticides:

- a. If you are in control over the financing for, or over the decision to perform pest control activities that will exceed one or more of the annual (i.e., calendar year) treatment area thresholds listed in Table 1 below for the "treatment area," as defined in Appendix B, or
- b. If you apply pesticides that result in a discharge that will exceed one or more of the pesticide application annual (i.e., calendar year) treatment area thresholds listed in Table 1 below for the "treatment area," as defined in Appendix B.

To determine whether an entity's activities will exceed one or more of the annual treatment area thresholds, the entity should exclude from its calculation any pesticide application activities conducted under another entity's NOI. When multiple operators are responsible for the discharge to one treatment area, IDNR requires that all the operators involved maintain some form of written explanation of the division of responsibilities (i.e., who must submit the NOI). An operator may submit an NOI to IDNR using the General Permit #7 NOI Form, available at <http://www.iowadnr.gov>, to the address listed on the form.

Table 1. Annual Pesticide Application Thresholds

Pesticide Use	Annual Threshold
Mosquitoes and Other Flying or Aquatic Nuisance Insect Pests	6400 acres of treatment area ¹
Weed, Algae, Bacteria, Fungi or Fish Parasite Control:	
- In Water	80 acres of treatment area ¹
- At Water's Edge	75 linear miles of treatment area at water's edge ²
Aquatic Nuisance Animal Control:	
- In Water	80 acres of treatment area ¹
- At Water's Edge	20 linear miles of treatment area at water's edge ²
Forest Canopy Pest Control	6400 acres of treatment area

¹Calculations should include only the area of the applications made to: (1) Waters of the U.S. and (2) conveyances with a hydrological surface connection to a water of the U.S. at the time of pesticide application. For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to ten acres of water should be counted as twenty acres of treatment area.

²Calculations should include the linear extent of the application made at water's edge adjacent to: (1) waters of the U.S. and (2) conveyances with a hydrologic surface connection to waters of the U.S. at the time of pesticide application. For calculating annual treatment area totals, count each pesticide application activity and each side of a linear water body as a separate activity or area. For example, treating both sides of a ten mile ditch is equal to twenty miles of water treatment area.

1.2.3 Discharge Authorization Dates for All Operators

On March 30, 2011 and thereafter, you must be covered under an NPDES permit for discharges to waters of the U.S. as a result of the application of a pesticide. However, the requirement for NOI submittal will be delayed until October 9, 2011. Operators who anticipate a discharge of pesticides to a Class C water must obtain prior approval from IDNR, consistent with part 1.1.2.6. All other operators are authorized to discharge under this permit consistent with Table 2 below:

Table 2. Discharge Authorization Dates

Category	NOI Submittal Deadline	Discharge Authorization Date ¹
Operators not required to submit an NOI	Not applicable	Immediately
Operators who exceed an annual threshold identified in Part 1.2.2	As soon as an annual threshold is exceeded but not prior to October 9, 2011	No earlier than 10 days after IDNR receipt of a complete and accurate NOI
Operators commencing discharge in response to a declared emergency situation, as defined in Appendix B	No later than 30 days after exceeding an annual threshold in response to a declared emergency situation but not prior to October 9, 2011	Immediately, for activities conducted in response to a declared emergency situation

¹Based on a review of your NOI or other information, IDNR may delay your authorization for further review, notify you that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3. In these instances, IDNR will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

1.2.4 Continuation of this Permit for All Operators

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 567 IAC Chapter 64 and remain in force and effect. If you were authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

1. Your authorization for coverage under a reissued permit or a replacement of this permit following your timely submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the NOI; or
2. The processing of your Notice of Discontinuation consistent with Part 1.2.5.1; or

3. The issuance or denial of an individual permit for a discharge resulting from application of a pesticide that would otherwise be covered under this permit;
4. A formal permit decision by IDNR not to reissue this general permit, at which time IDNR will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized.

1.2.5 Discontinuation of Coverage

1.2.5.1 Submitting a Notice of Discontinuation for Operators who have Submitted an NOI

To terminate permit coverage, an operator who is required to submit an NOI as identified in Part 1.2.2 must submit a complete and accurate Notice of Discontinuation (NOD) using the General Permit #7 NOD Form available at <http://www.iowadnr.gov>. Your authorization to discharge under this permit terminates one week after the day that a complete NOD is postmarked. If you submit an NOD without meeting one or more of the conditions identified in Part 1.2.5.2, then your NOD is not valid.

You are responsible for meeting the terms of this permit until your authorization is terminated. If you met the threshold for having to submit annual reports pursuant to Part 7.0, you must file an annual report with the regional IDNR Field Office for the portion of the year up through the date of your discontinuation. The annual report is due no later than 45 days after your discontinuation date.

1.2.5.2 When to Submit a Notice of Discontinuation for Operators who Submitted an NOI

You must submit a Notice of Discontinuation (NOD) within thirty (30) days after one or more of the following conditions have been met:

1. You have ceased all discharges from the application of pesticides for which you obtained permit coverage and you do not expect to discharge during the remainder of the permit term for any of the use patterns as identified in Part 1.1.1; or
2. You no longer anticipate that your application of pesticides will exceed any of the thresholds identified in Table 1, for any of the use patterns as identified in Part 1.1.1; or
3. You have obtained coverage under an individual permit for all discharges required to be covered by an NPDES permit, unless you obtained coverage under authority of Part 1.3.1, in which case coverage under this permit will terminate automatically.

1.2.5.3 Discontinuation for Operators not Required to Submit an NOI

Operators covered under this permit that are not required to submit an NOI are terminated from permit coverage when they no longer have a discharge from the application of pesticides or their discharges are covered under an NPDES individual permit.

1.2.6 Transfer of Coverage Under This Permit for Operators Submitting an NOI

For operators who submit an NOI, if there is a change in operator, IDNR must be notified of the transfer within thirty (30) days. To notify IDNR of the transfer, submit the contact information for the new operator in writing to the Wallace Building (see address in Part 8). The new operator shall be subject to all terms and conditions of this general permit. The existing operator shall be relieved of responsibility for compliance with this permit for the transferred NOI, from and after the date IDNR receives written notice of transfer of

responsibility. A copy of the notice of transfer of responsibility shall be maintained with the NOI.

1.3 Alternative Permit Information for All Operators

1.3.1 IDNR Requiring Coverage under an Alternative Permit

IDNR may require you to apply for and/or obtain authorization to discharge under an individual NPDES permit in accordance with 567 IAC Chapter 64. If IDNR requires you to apply for an individual NPDES permit, you will be notified in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if you are an operator whose discharges are authorized under this permit, the notification will set a deadline, not longer than one year, to file the permit application, and will include a statement that on the effective date of the individual NPDES permit, coverage under this general permit will terminate.

IDNR may grant additional time to submit the application if you submit a request setting forth reasonable grounds for additional time. If you are covered under this permit and fail to submit an individual NPDES permit application as required by IDNR, then the applicability of this permit to you is terminated at the end of the day specified by IDNR as the deadline for application submittal. IDNR may take appropriate enforcement action for any unpermitted discharge.

1.3.2 Operator Requesting Coverage under an Alternative Permit

You may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 567 IAC Chapter 64, with reasons supporting the request, to IDNR at the Wallace Building office listed in Part 8.0 of this permit. The request may be granted by issuance of an individual permit if your reasons are warranted.

When an individual NPDES permit is issued to you to discharge a pollutant to a water of the U.S. as a result of a pesticide application, your authorization to discharge under this permit is terminated on the effective date of the individual permit.

1.4 Severability of this Permit for All Operators

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. IDNR's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, IDNR will advise the regulated community as to the effect of such invalidation.

1.5 Other Federal and State Laws Applicable to All Operators

You must comply with all other applicable federal and state laws and regulations that pertain to your application of pesticides. This includes, but is not limited to: Section 206 of the Iowa Code; 21 Iowa Administrative Code Chapter 45, 567 Iowa Administrative Code Chapter 131; and FIFRA and its implementing regulations.

2.0 Technology-Based Effluent Limitations

2.1 Requirements for All Operators

All operators must implement control measures to minimize pollutant discharge to waters of the U.S. resulting from the residue of an application of pesticides. The term “minimize” means to reduce and/or eliminate discharges to waters of the U.S. to the extent achievable using control measures (e.g., best management practices) that are technologically available and economically practicable and achievable. To minimize discharges resulting from the residue of an application of pesticides, all operators must do each of the following:

2.1.1 Pesticide Application Rate for All Operators

In order to use the lowest effective amount of pesticide product per application, follow the pesticide product label instructions and apply pesticides at no more than the recommended application rate.

2.1.2 Regular Maintenance Activities for All Operators

Perform regular maintenance activities to minimize potential for leaks, spills, and unintended release of pesticides from pesticide containers to waters of the U.S. Maintain application equipment in proper operating condition by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. Properly calibrate equipment (i.e. nozzle choice, droplet size, etc.) to deliver no more than the recommended application rate as noted on the pesticide product label.

2.2 Integrated Pest Management (IPM) Practices for Operators Required to Submit an NOI

This Part applies to any entity that is required to submit an NOI, as required in Part 1.2.2, including any pesticide applicator hired by such entity or any other employee, contractor, subcontractor, or other agent.

If you engage in pesticide research and development, as defined in Appendix B, and a pollutant discharge to waters of the U.S. resulting from the residue of an application of pesticides occurs, you are not required to fully implement Part 2.2. You must implement Part 2.2 to the extent that its requirements do not compromise the research design.

Note: Part 5 of this permit requires operators submitting an NOI to develop a Pesticide Discharge Management Plan (see Part 5 for specific requirements).

2.2.1 IPM - Identify the Problem (for Operators Submitting an NOI)

Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the U.S., and at least once each year thereafter during which you will have a discharge, you must do the following for each pest management area, specific to the use pattern:

For mosquito and other flying or aquatic nuisance insect control:

- Establish population densities, biological or public health indicators, and/or weather conditions for larval and adult mosquito or other flying or aquatic nuisance insect which serve as action threshold(s) for implementing pest management;

- Identify target mosquito or aquatic nuisance insect and develop a pest-specific control strategy based on developmental and behavioral considerations;
- Identify known breeding sites for source reduction, larval control program, and habitat management; and
- Analyze existing surveillance data to identify new/unidentified sources of mosquito or aquatic nuisance insect production as well as sites that have recurring pest problems.

For the application of pesticides for weed, algae, bacteria, fungi or fish pesticide control:

- Identify areas with weed, algae, fungi, bacteria, or fish parasite problems and characterize the extent of the problem, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
- Identify target pest;
- Identify possible sources of the problem (e.g., nutrients, invasive species, etc); and
- Establish past or present target pest densities which serve as action threshold(s) for implementing pest management strategies.

For discharges from the application of pesticides for aquatic nuisance animal control:

- Identify areas with aquatic nuisance animal problems and characterize the extent of the problems, including water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
- Identify target aquatic nuisance animal pest;
- Identify possible sources of the problem (e.g., nutrients, invasive species); and
- Establish past or present aquatic nuisance animal densities which serve as action threshold(s) for implementing pest management.

For discharges from the application of pesticides for forest canopy pest control:

- Establish target pest densities, biological or public health indicators, and/or weather conditions which serve as action threshold(s) for implementing pest management;
- Identify target pest to develop a pest-specific control strategy based on developmental and behavioral considerations; and
- Identify current distribution of the target pest and assess potential distribution in the absence of control measures.

In the event site data are not available within the past year, you must document why site data are not available and the data you used to meet the permit conditions in 2.2.1. (See Part 5, Pesticide Discharge Management Plan).

2.2.2 IPM - Pest Management (for Operators Submitting an NOI)

Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the U.S., and at least once each year thereafter during which you will have a discharge, you must select and implement control measures for each pest management area. These control measures must be efficient and effective means of pest management and must successfully minimize discharges resulting from the application of pesticides. The selection of control measures must consider the use of pesticide and non-pesticide methods. In developing your pest management strategies, you must evaluate the following management tools while considering pest resistance, feasibility, cost

effectiveness, and the impact to water quality and non-target organisms. The management tools are:

- No action
- Prevention of the situation requiring pest management
- Mechanical/physical methods of pest management
- Cultural methods of pest management
- Biological control agents (e.g. predators)
- Available pesticides appropriate for the target pest.

2.2.3 IPM - Pesticide Use (for Operators Submitting an NOI)

If a pesticide is selected as a control measure and application of the pesticide will result in a discharge to waters of the U.S., you must do the following for each pest management area, specific to the use pattern:

For mosquito and other flying or aquatic nuisance insect control:

- Conduct surveillance, including but not limited to, establishment of population densities or appropriate biological or weather conditions, prior to each application to assess the pest management area and to determine when the pest action thresholds are met which necessitate the need for pest management;
- Assess environmental conditions prior to each application (e.g. temperature, precipitation, and wind speed in the treatment area) to identify conditions which support development of pest populations and are suitable for control activities;
- Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action thresholds have been met or disease is present;
- In situations or locations where practicable and feasible, use larvicides as a preferred pesticide for mosquito or flying or aquatic nuisance insect pest control when larval action thresholds have been met; and
- In situations or locations where larvicide use is not practicable or feasible, use adulticides for mosquito, flying, or aquatic nuisance insect pest control when adult action thresholds have been met.

For the application of pesticides for weed, algae, bacteria, fungi or fish parasite control:

- Conduct surveillance prior to each application to assess the pest management area and to determine when the pest action threshold is met that necessitates the need for pest management; and
- Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met.

For discharges from the application of pesticides for aquatic nuisance animal control:

- Conduct surveillance prior to each application to assess the pest management area and to determine when the pest action threshold is met which necessitates the need for pest management; and
- Reduce the impact on the environment and non-target organisms by considering site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold has been met.

For discharges from the application of pesticides for forest canopy pest control:

- Conduct surveillance prior to each application to assess the pest management area and to determine when the pest action threshold is met which necessitates the need for pest management;
- Assess environmental conditions (e.g. temperature, precipitation, and wind speed in the treatment area) to identify conditions which support target pest development and are suitable for treatment activities;
- Reduce the impact on the environment and non-target organisms by considering the restrictions, application timing, and application method;
- Use pesticides against the most susceptible developmental stage; and
- Use pesticides only where the action threshold has been met.

3.0 Water Quality-Based Effluent Limitations for All Operators

Any discharge to a water of the U.S. resulting from an application of pesticides that causes or contributes to an excursion of any applicable numeric or narrative state water quality standard as stated in 567 IAC Chapter 61 – Water Quality Standards is prohibited and is a violation of this permit. If at any time, you become aware or IDNR determines that your discharge causes or contributes to an excursion of applicable water quality standards, you must take corrective action as required in Part 6.0. IDNR may impose additional water quality-based limitations or require you to obtain coverage under an individual permit if information in your NOI, required reports, or other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards.

4.0 Monitoring Requirements for All Operators

4.1 Basic Monitoring Requirements for All Operators

All operators covered under this permit must:

- Monitor the amount of pesticide applied to ensure that you apply no more than the recommended application rate as noted on the pesticide product label;
- Monitor your pesticide application activities to ensure you are performing regular maintenance activities;
- Monitor your application equipment to ensure that it is in proper operating condition by adhering to any manufacturer's conditions and industry practices and by calibrating, cleaning, and repairing equipment on a regular basis.

This monitoring is intended to minimize the potential for leaks, spills, and unintended or accidental release of pesticides to waters of the U.S.

4.2 Visual Monitoring Requirements for All Operators

All operators covered under this permit, or their designees, must conduct visual assessment(s) of the application site(s) as follows:

- During any post-application surveillance or efficacy check that you conduct, if a surveillance or efficacy check is conducted.
- During the application when considerations for safety and feasibility allow.

Visual assessments will consist of spot checks in the area to and around where pesticides are applied for possible and observable adverse impacts caused by your application of pesticides. Possible and observable adverse impacts include, but are not limited to:

- The unanticipated death or distress of non-target organisms;
- Disruption of wildlife habitat; and
- Disruption of recreational or municipal water use.

5.0 Pesticide Discharge Management Plan (PDMP) for Operators Submitting an NOI

Operators who are required to submit an NOI under Part 1.2.2 must prepare a Pesticide Discharge Management Plan (PDMP) for the pest management area prior to the first pesticide application covered under this permit, with the exception of declared emergency situations, where the PDMP must be prepared no later than 90 days after responding to the pest emergency situation. The PDMP must be maintained at the address listed in the NOI for the duration of coverage under this general permit.

The PDMP is intended to document the evaluation and selection of control measures to meet the effluent limitations. Control measures can be structural or installed devices or actions (including processes, procedures, schedules of activities, prohibitions on practices and other management practices) that minimize discharges of pesticides to waters of the U.S. Operators submitting an NOI (and subject to the PDMP requirements) must implement control measures to satisfy the effluent limitations in Parts 2 and 3. This includes the operator who submitted the NOI as well as any employees, contractors, subcontractors, or other agents. The control measures implemented must be documented and the documentation must be kept up-to-date.

In your PDMP, you may refer to procedures in other documents that meet the requirements of this permit. If you reference other documents, such as a pre-existing integrated pest management (IPM) plan that you already follow, you must keep a copy of relevant portions of those documents with your PDMP and make it available for review consistent with Part 5.3.

5.1 Pesticide Discharge Management Plan Contents (for Operators Submitting an NOI)

Your PDMP must contain the following elements:

1. Pesticide Discharge Management Team (see 5.1.1)
2. Pest Management Area Description (see 5.1.2)
3. Control Measure Description (see 5.1.3)
4. Schedules and Procedures (see 5.1.4)
 - Hazardous Condition Response
 - Equipment Maintenance Procedures
 - Pesticide Surveillance and Monitoring
5. Signature Requirements (see 5.1.5)

5.1.1 PDMP Team

You must identify the persons (by name or title) that comprise the team as well as their individual responsibilities, including:

- a. Person(s) responsible for managing pests in relation to the pest management area;
- b. Person (s) responsible for developing and revising the PDMP;
- c. Person (s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements; and
- d. Person (s) responsible for pesticide applications. If pesticide applicator is unknown at the time of plan development, indicate if a for-hire applicator will be used and when you anticipate that you will identify the applicator.

Identification of team members must include any written agreement(s) between you and any other operator(s), such as a for-hire pesticide applicator, that specify the division of responsibilities between operators as necessary to comply with the provisions of this permit.

5.1.2 Pest Management Area Description

You must document the following:

- a. Pest problem description. Document a description of the pest problem at your pest management area, including identification of the target pest(s), source of the pest problem, and source of data used to identify the problem in Parts 2.2.1.
- b. Action Threshold(s). Describe the action threshold(s) for your pest management area, including a description of how they were determined.
- c. General location map. In the plan, include a general location map (e.g. USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the waters of the U.S.

5.1.3 Control Measure Description

In the PDMP, you must document your evaluation of control measures for your pest management area, as described in Part 2.2.2. Document the control measures you will implement to comply with the effluent limitations required in Parts 2 and 3. Include in the description the active ingredient(s) evaluated.

5.1.4 Schedules and Procedures

You must document the following schedules and procedures in your PDMP:

5.1.4.1 Hazardous Condition Response Schedules and Procedures

Document the schedules and procedures for preventing and responding to hazardous conditions resulting from pesticide applications. Identify the following:

- Procedures for responding to any incident resulting from pesticide applications or spills; and
- Procedures for notification of the incident, both internal to your agency/organization and external. Contact information for IDNR (See Part 6.3), nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

5.1.4.2 Equipment Maintenance Schedules and Procedures

Document the schedules and procedures for maintaining the application equipment in proper operating condition, including calibrating, cleaning, and repairing the equipment.

5.1.4.3 Pesticide Monitoring and Surveillance Schedules and Procedures

Document the procedures for conducting pre- application pest surveillance and area environmental monitoring consistent with the requirements in Parts 2 and 4 including:

- The process for determining the location of any surveillance or monitoring;
- Procedures and methods for assessing environmental conditions in the treatment area;
- A schedule and procedures for any surveillance or monitoring;
- The person (or position) responsible for conducting surveillance or monitoring; and

- Procedures for documenting any observed impacts to non-target organisms resulting from your pesticide discharge.

5.1.4.4 Application Rate and Frequency

Document procedures for determining the rate of pesticide application (e.g. gallons per acre) and the optimum frequency (e.g. three times per year) of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance.

5.1.5 Signature Requirements

You must sign and date your PDMP in accordance with Appendix C.

5.2 Pesticide Discharge Management Plan Modifications (for Operators Submitting an NOI)

You must modify your PDMP whenever necessary to address any of the triggering conditions for corrective action in Part 6.1, or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to your PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, as soon as possible thereafter. The PDMP must be signed and dated in accordance with Appendix C.

You must review your PDMP at a minimum once per year or whenever necessary to update the pest management strategies at your pest management area.

5.3 Pesticide Discharge Management Plan Availability (for Operators Submitting an NOI)

You must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided on the NOI, in accordance with part 7.3. The PDMP and all supporting documents must be immediately available to representatives of IDNR, IDALS, EPA, and the U.S. Fish and Wildlife Service (USFWS) upon request. IDNR may provide access to portions of your PDMP to a member of the public upon request. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from those staff cleared for CBI review within IDNR, IDALS, EPA, or FWS.

6.0 Corrective Action

6.1 Situations Requiring Revision of Control Measures for All Operators

If any of the following situations occur, you must review and, as necessary, revise the selection and implementation of your control measures to ensure that the situation is eliminated and will not be repeated in the future:

- An unauthorized release or discharge (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs;
- You become aware, or IDNR determines, that your control measures are not adequate or sufficient for the discharge to meet applicable water quality standards;
- You become aware, or IDNR determines, that you failed to perform regular maintenance activities to reduce unintended discharges of pesticides, or you failed to calibrate, clean, and repair your application equipment;
- Your monitoring activities, as required in Part 4, determine that you applied more than the recommended application rate as noted on the pesticide product label or failed to properly calibrate equipment to deliver the recommended application rate;

- An inspection or evaluation of your activities by IDNR determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit, or
- You observe or are otherwise made aware of a hazardous condition, as defined in Appendix B.

6.2 Corrective Action Deadlines for All Operators

If you determine that changes to your control measures are necessary to eliminate any situation identified in Part 6.1, such changes must be made before the next pesticide application that results in a discharge, or as soon as practicable.

6.3 Hazardous Condition Documentation and Reporting for All Operators

6.3.1 Six (6) Hour Hazardous Condition Notification for All Operators

If you observe or are otherwise made aware of a hazardous condition, as defined in Appendix B, which may have resulted from a discharge from your pesticide application, you must immediately notify IDNR. This notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by contacting the appropriate regional IDNR Field Office during normal business hours (8 a.m. to 4:30 p.m.) or by calling the IDNR at (515)281-8694 after normal business hours. Notifications must include at least the following information:

- The caller's name and telephone number;
- Operator name and mailing address;
- If covered under an NOI, the NOI NPDES tracking number;
- The name and telephone number of a contact person, if different than the person providing the 6-hour notice;
- How and when you became aware of the hazardous condition;
- Description of the location of the hazardous condition;
- Description of the hazardous condition identified, including the EPA pesticide registration number for each product you applied in the area of the hazardous condition; and
- Description of any steps you have taken or will take to contain any hazardous effects.

The hazardous condition notification and reporting requirements are in addition to what the registrant is required to submit under FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

6.3.2 Thirty (30) Day Hazardous Condition Written Report for All Operators

Within thirty (30) days of becoming aware of hazardous condition reported pursuant to Part 6.3.1, you must postmark a written report of the adverse incident to the appropriate regional IDNR Field Office at the address listed in Part 8. Your hazardous condition report must include the information required in 567 Chapter 131.2, Report of Hazardous Conditions. Contact the appropriate IDNR Field Office for more information. You must report hazardous conditions even for those instances when the pesticide labeling states that adverse effects may occur. A copy of the hazardous condition report submitted to IDNR must be retained in accordance with Part 7 of this permit.

6.4 Additional Permit Requirements for All Operators

IDNR may notify you of additional discharge requirements based on a hazardous condition. Any such notice will clearly state the reasons for the additional requirements and the details of such requirements, including any monitoring, reporting, or recordkeeping requirements. IDNR may impose additional requirements when it is determined that:

- Your discharge contributed to a reported hazardous condition;
- The pesticide you are using contains an ingredient for which additional controls may be necessary;
- The pesticide you are using raises environmental impact concerns;
- More appropriate or additional effluent limitations are necessary;
- You are not in compliance with the conditions of this permit;
- A change has occurred in the availability of demonstrated technology or practices for the reduction of discharges from the application of pesticides; or if
- Your discharge impacts a threatened or endangered species.

Should IDNR exercise its authority to impose additional requirements, you will receive a written explanation of the additional requirements and the basis for them. The notice will include a reasonable timeframe in which to discuss these new requirements with IDNR. Unless IDNR establishes a new timeframe in writing, after that time period has passed, the written notice will state that the new requirements will become active and enforceable permit conditions. The written notice will explain that the discharger may either accept the new requirements or elect to apply for an alternative permit as described in 1.3.2.

7.0 Recordkeeping and Annual Reporting

You must keep written records as required in this permit. These records must be accurate and complete to demonstrate your compliance with the conditions of this permit.

You can rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided all requirements of this permit are satisfied.

IDNR recommends you keep record of acres or linear miles treated for all applicable use patterns covered under this general permit. The records should be kept up-to-date to help you determine if you will meet an annual treatment area threshold during any calendar year, as identified in Part 1.2.2. Once you determine that you will exceed an annual threshold during any calendar year, you are required to keep the records outlined in Part 7.2 in addition to submitting an NOI.

7.1 Required Records for All Operators

All operators are required to keep the following records:

- A copy of this permit (an electronic copy is acceptable);
- A copy of any Hazardous Condition Reports (See Part 6).

7.2 Required Records for Operators Submitting an NOI

If you are required to submit an NOI, as identified in Part 1.2.2, you are required to keep the following records at the address provided on the NOI:

7.2.1 General Records

- Any correspondence exchanged between you and IDNR specific to coverage under this permit;
- The date on which you determined that you exceeded an annual threshold during any calendar year, as identified in Part 1.2.2.;
- A copy of the NOI submitted to IDNR;
- Any hazardous condition reports and corrective actions in response to the hazardous condition.

7.2.2 Pest Management Information

The record information for each applicable use pattern must be recorded no later than 14 days following pest management activities (non-pesticide methods and pesticide application). All of the following information must be recorded. This information does not need to be submitted to IDNR or IDALS, but must be maintained in accordance with part 7.3.

- The name(s) of the record keeper (i.e. pesticide applicator's name);
- Target Pest(s);
- Pest management strategies (IPM) used and what action threshold(s) have been met;
- Month, date, and year of the pest management activities;
- Name of pesticide product used, including the product's EPA registration numbers;
- Quantity of pesticide product applied, including whether quantities are for the pesticide product as packaged or as formulated and applied;
- Concentration (%) of active ingredient in formulation;
- Size of the total treatment area and the percentage of the area that is waters of the U.S.;
- Location of the treatment area that is a water of the U.S. (e.g. 8-digit HUC identifiers, narrative description, or map coordinates);
- Any monitoring and surveillance information;
- Any observed impacts to non-target organisms resulting from your pesticide discharge as described in Part 4; and
- When the application equipment was calibrated.

7.2.3 Pesticide Discharge Management Plan (PDMP)

You must keep a copy of your PDMP, including any modifications made to the PDMP during the term of this permit. PDMPs do not need to be submitted to IDNR or IDALS but must be maintained in accordance with part 7.3.

7.2.4 Annual Reporting

You must keep copies of your annual report(s), as detailed in Part 7.4.

7.3 Maintenance and Availability of Records for All Operators

You must retain the records outlined in Part 7.1 and, if applicable, Part 7.2, for a period of at least three (3) years from the date that the report was generated. If your coverage under this permit expires or is discontinued, reports must also be kept for a period of at least three (3) years. You must make all records kept under this section available to an authorized representative from IDNR, EPA, or IDALS upon request and provide copies of such records upon request.

7.4 Annual Reporting for Operators Submitting an NOI

If you are required to submit an NOI, you must submit an annual report to the IDNR Wallace Building address listed in part 8.1. An annual report must be submitted each year for the duration of coverage under this general permit. You must submit the annual report to IDNR no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. An annual report must be submitted regardless of whether or not you have discharges from application of pesticides for the previous calendar year. The General Permit #7 annual reporting form is available at <http://www.iowadnr.gov>.

The annual report must include information for the previous calendar year, with the first annual report required to include activities for the portion of the year after the effective date of the NOI. If you exceed a treatment area annual threshold within 30 days of the end of the calendar year, you are not required to submit an annual report for that first partial year but must submit annual reports thereafter, with the first annual report submitted also including information from the first partial year. When you discontinue permit coverage, as specified in Part 1.2.5, you must submit an annual report for the portion of the year up through the date of your discontinuation. The annual report is due no later than 45 days after your discontinuation date.

The annual report must contain the following information (See annual report form):

- Operator's name;
- NPDES permit tracking number(s);
- Contact person name, title, e-mail address (if any), and phone number;
- For each use pattern (see Part 1.1.1) and each pest management area, report the information noted under Part 7.2.2;
- Whether or not you have updated your PDMP in the last 12 months (and if so, when); and
- Whether or not you have or plan to revise your control measures, as specified in Part 6.1 of this permit, since your last annual report submission (or since you received authorization to discharge under this permit if this is your first annual report).

8.0 IDNR Contact Information and Mailing Addresses

Notices of Intent (NOI), Notices of Discontinuation (NOD), Annual Reports, and written transfer of coverage information should be submitted to the Iowa Department of Natural Resources at the Wallace Building address listed in Part 8.1.

All Hazardous Condition reports under Part 6.3 must be sent within thirty (30) days of you becoming aware of the hazardous condition to the appropriate regional IDNR Field Office (see Part 8.2.).

Note: If IDNR notifies dischargers of other reporting options that become available at a later date (e.g., electronic submission), operators may take advantage of those options to satisfy the reporting requirements of this permit.

8.1 DNR Wallace Building Address

Iowa Department of Natural Resources
NPDES Section, 502 E. 9th St
Des Moines, IA 50319
Phone: 515-281-7409; Fax: 515-281-8895

8.2 DNR Regional Field Office Addresses and Counties Served

Field Office #1

909 West Main Suite #4

Manchester, IA 52057

Phone: (563) 927-2640; Fax: (563) 927-2075

Counties Served: Allamakee, Black Hawk, Bremer, Benton, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Linn, Winneshiek

Field Office #2

2300 15th Street SW

Mason City, IA 50401

Phone: (641) 424-4073; Fax: (641) 424-9342

Counties Served: Butler, Cerro Gordo, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Humboldt, Kossuth, Mitchell, Webster, Winnebago, Worth, Wright

Field Office #3

1900 North Grand Ave, Suite E17

Spencer, IA 51301

Phone: (712) 262-4177; Fax: (712) 262-2901

Counties Served: Buena Vista, Calhoun, Cherokee, Clay, Dickinson, Emmet, Ida, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Woodbury

Field Office #4

1401 Sunnyside Lane

Atlantic, IA 50022

Phone: (712) 243-1934; Fax: (712) 243-6251

Counties Served: Adair, Adams, Audubon, Carroll, Crawford, Cass, Fremont, Greene, Guthrie, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union

Field Office #5

401 SW 7th, Suite 1

Des Moines, IA 50309

Phone: (515) 725-0268; Fax: (515) 725-0218

Counties Served: Appanoose, Boone, Clarke, Dallas, Decatur, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne

Field Office #6

1023 West Madison Street

Washington, Iowa 52353-1623

Phone: (319) 653-2135; Fax: (319) 653-2856

Counties Served: Cedar, Clinton, Davis, Des Moines, Henry, Iowa, Jefferson, Johnson, Keokuk, Lee, Louisa, Muscatine, Scott, Wapello, Washington, Van Buren

Appendix A – Standard Conditions

DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Code of Iowa and the Clean Water Act and is grounds for enforcement action; for termination of coverage under this general permit; or, for denial of a request for coverage under a reissued general permit.

CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on April 8, 2016. An expired general permit continues in force until replaced by adoption of a new general permit.

NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Department, he or she shall promptly submit such facts or information.

OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

INSPECTION AND ENTRY

The permittee shall allow the Department or an authorized representative of EPA, the State, or county, upon the presentation of credentials and other documents as may be required by law, to:

- Enter upon the permittees' premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
- Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and
- Sample any discharge of pollutants.

PERMIT ACTIONS

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

ENVIRONMENTAL LAWS

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

Appendix B - Definitions, Abbreviations, and Acronyms

B.1. Definitions

Action Threshold – A point at which pest populations or environmental conditions indicate that pest control action must be taken. Action thresholds help determine both the need for control actions and the proper timing of such actions.

Active Ingredient means:

- a. In the case of a pesticide other than a plant growth regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests.
- b. In the case of a plant growth regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof.
- c. In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.
- d. In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue. [Iowa Code Section 206.2]

Applicator (see also: Operator)

Certified applicator means any individual who is certified under 21 IAC Chapter 45 as authorized to use any pesticide. [21 IAC Chapter 45]

Certified commercial applicator means a pesticide applicator or individual who applies or uses a pesticide or device on any property of another for compensation. [Iowa Code Section 206.2]

Certified private applicator means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use on property owned or rented by the applicator or the applicator's employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person. [Iowa Code Section 206.2]

Commercial applicator means a person, corporation, or employee of a person or corporation who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying a pesticide but does not include a farmer trading work with another, a person employed by a farmer not solely as a pesticide applicator who applies pesticide as an incidental part of the person's general duties, or a person who applies pesticide as an incidental part of a custom farming operation. [Iowa Code Section 206.2]

Noncommercial applicator means any person who applies restricted use pesticides on lands or property owned, rented, or leased by the applicator or the applicator's employer. This definition shall not apply to private applicators using restricted use pesticides in the production of agricultural commodities. [21 IAC Chapter 45]

Public applicator means an individual who applies pesticides as an employee of a state agency, county, municipal corporation, or other governmental agency. This term does not include employees who work only under the direct supervision of a public applicator. [21 IAC Chapter 45]

Best Management Practices (BMPs) – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the U.S. BMPs also include treatment requirements,

operating procedures, and practices to control spillage or leaks, or drainage from raw material storage. [40 CFR 122.2]

Biological Control Agents – organisms that can be introduced to your sites, such as herbivores, predators, parasites, and hyperparasites. [US FWS IPM Guidance, 2004]

Biological pesticides (also called biopesticides) - include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP).

Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that

- (1) Is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi;
 - (2) Is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria;
- or
- (3) Is a parasitically replicating microscopic element, including but not limited to, viruses.
- [40 CFR 158.2100(a)]

Biochemical pesticide means a pesticide that

- (1) Is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance;
- (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and
- (3) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)]

Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR 174.3]

Chemical pesticides – all pesticides not otherwise classified as biological pesticides.

CFR or Code of Federal Regulations - the federal administrative rules adopted by the United States in effect as of July 1, 2009.

Control Measure – refers to any BMP or other method used to meet the effluent limitations to minimize the discharge of pollutants to waters of the U.S.

Cultural Methods - manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

Declared Emergency Situation – any event defined by public declaration by a federal agency, state, or local government of a pest problem that is determined to require control through application of a pesticide, beginning less than ten days after identification of the need for pest control. This public declaration may be based on:

- (1) Significant risk to human health;
- (2) Significant economic loss; or
- (3) Significant risk to endangered species, threatened species, beneficial organisms, or the environment.

[40 CFR 166]

Discharge – when used without qualification, means the "discharge of a pollutant."

Discharge of a pollutant – any addition of any pollutant or combination of pollutants to waters of the U.S. or waters of the state from any point source. "Discharge of a pollutant" includes additions of pollutants into navigable waters or waters of the state from surface runoff which is collected or channeled by human activity; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. [567 IAC Chapter 60]

Facility or Activity – any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

Fungicide - any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi. [21 IAC Chapter 45]

Hazardous condition - any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment. [567 IAC Chapter 131]

Hazardous substance - any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. [567 IAC Chapter 131]

Herbicide - any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed or undesirable plant. [21 IAC Chapter 45]

Hydrologic Unit Code (or HUC) - The United States is divided and sub-divided into successively smaller hydrologic units which are classified into four levels: regions, sub-regions, accounting units, and cataloging units. The hydrologic units are arranged within each other, from the smallest (cataloging units) to the largest (regions). Each hydrologic unit is identified by a unique hydrologic unit code (HUC) consisting of two to eight digits based on the four levels of classification in the hydrologic unit system. (<http://water.usgs.gov/GIS/huc.html>)

Impaired Water – A water is impaired for purposes of this permit if it has been identified by the IDNR as not meeting applicable IDNR water quality standards (see 567 IAC Chapter 61). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Inert Ingredient - an ingredient which is not an active ingredient. [Iowa Code Section 206.2]

Integrated Pest Management – a holistic approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that balances economic, health, and environmental risks and benefits.

Insect - any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and wood lice. [21 IAC Chapter 45]

Insecticide - any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects and related forms which may be present in any environment whatsoever. [21 IAC Chapter 45]

Label - the written, printed, or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide or device. [Iowa Code Section 206.2]

Mechanical/Physical Methods - mechanical tools or physical alterations of the environment for pest prevention or removal.

Minimize - to reduce and/or eliminate pesticide discharges to waters of the U.S. through the use of control measures and to the extent technologically available and economically practicable and achievable.

Non-target Organisms – includes the plant and animal hosts of the target pest, the natural enemies of the target pest living in the community, and other plants and animals, including vertebrates, living in or near the community that are not the target of the pesticide.

Operator – For the purposes of this permit, an operator is defined as any entity involved in the application of a pesticide that results in a discharge to a Water of the U.S. that meets either of the following two criteria:

- (i) The entity has operational control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; and/or
- (ii) The entity has day-to-day operational control of activities which are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit).

Person – any individual, partnership, association, corporation, or organized group of persons whether incorporated or not. [Iowa Code Section 206.2]

Pest – Any insect, rodent, nematode, fungus, weed, or any form of plant and animal life, virus, or other microorganism, except viruses or other microorganisms on or in living man or other living animals, which exists under circumstances that make it unduly injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, or other articles or substances. [21 IAC Chapter 45]

Pest Management Area – The area of land, including any water, which you are conducting pest management activities covered by this permit.

Pesticide -

- (a) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating directly or indirectly any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living persons, which the secretary shall declare to be a pest, and
- (b) any substances intended for use as a plant growth regulator, defoliant, or desiccant.

[Iowa Code 206.2]

Defoliant means any substance or mixture of substances intended for causing the leaves or foliage to drop from the plant with or without causing abscission. [21 IAC Chapter 45]

Desiccant means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue. [21 IAC Chapter 45]

Plant growth regulator means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. [Iowa Code 206.2]

Pesticide drift - the physical movement of pesticide droplets or particles through the air from the target site to any non-target site. Pesticide spray and dust drift occurs during application or soon thereafter. [Under stable atmospheric conditions (such as near-ground temperature inversion), drift can also occur after the application has been completed.] Pesticide drift does not include the movement of pesticide caused by other types of migration such as windblown soil particles or volatilization from the application site after application.

Pesticide Product – a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.

Pesticide Research and Development – Activities undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development).

Pesticide Residue – includes that portion of a pesticide application that is discharged from a point source to waters of the US and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

Poison control center - means an entity existing as part of a hospital licensed under chapter 135 B of the Iowa Code which is an institutional member of the American association of poison control centers.

Point source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged. “Point source” does not include return flows from irrigated agriculture or agricultural storm water runoff. [567 IAC Chapter 60]

Pollutant - sewage, industrial waste, or other waste. [567 IAC Chapter 60]

Sewage means the water-carried waste products from residences, public buildings, institutions, or other buildings, including the bodily discharges from human beings or animals together with such groundwater infiltration and surface water as may be present.

Industrial waste means any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade, or business, or from the development of any natural resource.

Other waste means heat, garbage, municipal refuse, lime, sand, ashes, offal, oil, tar, chemicals, and all other wastes which are not sewage or industrial waste.

Responsible entity – the person making the decision to control pests for which a discharge will occur that requires NPDES permit coverage under this permit.

Shallow well - means a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. [567 IAC Chapter 40]

Target Pest – the organism toward which control measures are being directed.

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations.

Toxic - causing or producing a dangerous physiological, anatomic or biochemical change in a biological system. [567 IAC Chapter 131]

Treatment Area – The area of land, including any waters, or the linear distance along water's edge, to which pesticides are being applied. Multiple treatment areas may be located within a single "pest management area." The "treatment area" includes the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits. In some instances, the treatment area will be larger than the area where pesticides are actually applied. The treatment area for a lake is the water surface area where the application is intended to provide pesticidal benefits. Treatment area calculations for pesticide applications that occur "at water's edge" are determined by the linear distance over which pesticides are applied. For example, treating both sides of a five mile long river, stream, or ditch is equal to ten miles of treatment area.

Under the direct supervision of - the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator or a state licensed commercial applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied. [Iowa Code Section 206.2]

Unreasonable adverse effects on the environment - any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide. [Iowa Code Section 206.2]

Use of a pesticide contrary to its labeling - to use any registered pesticide in a manner not permitted by the labeling provided that the phrase shall not include:

1. Applying a pesticide for agricultural or horticultural purposes only at any dosage, concentration, or frequency less than that specified on the labeling.
2. Applying a pesticide for agricultural or horticultural purposes only against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling unless the labeling specifically states that the pesticide may be used only for the pests specified on the labeling; or
3. Employing any method of application not prohibited by the labeling for agricultural or horticultural purposes only.
4. Mixing pesticides or mixing pesticide with a fertilizer when such mixture is not prohibited by the labeling for agricultural or horticultural purposes only. [21 IAC Chapter 45]

Water of the United States or waters of the U.S. –

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate “wetlands;”
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;or
 - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (e) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the U.S. Waters of the U.S. do not include prior converted cropland. [40 CFR 122.2]

Weed - any plant which grows where not wanted. [21 IAC Chapter 45]

Wetlands - means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Water Quality Impaired – See ‘Impaired Water’.

Water Quality Standards (WQS) – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting

criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. Iowa's Water Quality Standards are contained in 567 IAC Chapter 61.

Water-Treatment area – The surface area of a water to or over which pesticides are being applied at a concentration adequate to cause the intended effect of controlling targeted pests within that area.

You and Your – as used in this permit are intended to refer to the operator, or the discharger as the context indicates and that party's activities or responsibilities.

B.2. Abbreviations and Acronyms

BAT – Best Available Technology Economically Achievable

BMP – Best Management Practice

BPJ – Best Professional Judgment

BPT – Best Practicable Control Technology Currently Available

CBI – Confidential Business Information

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)

EPA – U. S. Environmental Protection Agency

FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC 136 *et seq*.

FWS – U. S. Fish and Wildlife Service

HUC – Hydrologic Unit Code

IDNR – Iowa Department of Natural Resources

IPM – Integrated Pest Management

NOD – Notice of Discontinuation

NOI – Notice of Intent

NPDES – National Pollutant Discharge Elimination System

OIW – Outstanding Iowa Water

ONRW – Outstanding National Resource Water

PDMP – Pesticide Discharge Management Plan

SDWA – Safe Drinking Water Act

TMDL – Total Maximum Daily Load

WQS – Water Quality Standard

Appendix C – Signature Requirements

C.1 NOI and NOD Signatories:

The person who signs the Notice of Intent (NOI) Notice of Discontinuation (NOD) shall be:

Corporations. In the case of corporations, a responsible corporate officer. A responsible corporate officer means:

- (1) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
- (2) The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Partnerships. In the case of a partnership, a general partner.

Sole proprietorships. In the case of a sole proprietorship, the proprietor.

Municipal, state, federal, or other public agency. In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:

- (1) The chief executive officer of the agency; or
- (2) A senior executive officer having responsibility for the overall operations of a unit of the agency.

Certification. Any person signing a NOI or NOD shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

C.2 Signatories of Other Reports (Adverse Incident, Annual, and PDMP):

Other Reports. The person who signs Adverse Incident Reports, Annual Reports, and the Pesticide Discharge Management Plans (PDMP) required under this permit shall be a person described above, except that in the case of a corporation or a public body, reports may be signed by a duly authorized representative of the person described above. A person is a duly authorized representative if the authorization is made in writing by a person described above and the authorization specifies an individual or position having responsibility for the overall operation of the regulated facility, such as plant manager, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the corporation.